

**DURHAM CITY COUNCIL WORK SESSION**  
**Thursday, May 7, 2015 @ 1:00 p.m.**  
**2<sup>nd</sup> Floor Committee Room – 101 City Hall Plaza**

Present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also in Attendance: City Manager Thomas Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

Council Member Catotti called the meeting to order welcoming all in attendance and recognized the City Manager, City Attorney and City Clerk for priority items.

City Manager Bonfield referenced the following items:

- Agenda Item #9 – Establishment of Service Area and Service Area for the Southeast Regional Lift Station (presentation will be provided)
- Agenda Item #10 – Adoption of Proposed Water and Sewer Rates For FY 2015-16 (presentation will be provided)
- Agenda Item #25 – Otis Lyons (Citizen will not be present today to speak)
- Agenda Item #29 – Inter-Local Agreement between City of Durham and Durham County to Establish the Durham Workforce Development Board and Its Administrative Entity Under the Workforce Innovation and Opportunity Act Effective July 2015 (added as supplemental item)

The City Manager's items were accepted by the Council.

City Attorney Baker requested a closed session at the end of the meeting regarding a claim Ledbetter vs. City of Durham and one additional unnamed claim, pursuant to NCGS 143.318.11(a)(3).

The City Attorney's items were accepted by the Council.

There were no priority items from the City Clerk.

Council Member Moffitt congratulated Officer Ryan Wale who was responding to an armed robbery; spotted the possible suspect's vehicle; made the stop; recovered stolen goods and very quickly bringing the case to closure.

City Manager Bonfield stated he would make certain the officer was made aware of the acknowledgement/appreciation.

After Council Member Catotti announced each item on the agenda, the following items were pulled for comments and/or discussion:

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**SUBJECT: MICHAEL LAWRENCE**

To receive comments from Michael Lawrence regarding helping teens in the community.

Michael Lawrence addressed the council raising a concern with teen violence in the City and asked the council to point him in the right direction to put a program together to help alleviate the violence.

Mayor Bell stated earlier Mr. Lawrence shared some of his thoughts on teens in the community and how he would like to assist. The Mayor stated Mr. Lawrence spoke about organizing; visiting particularly in public housing to see if he could locate leaders to be a part of his vision. The Mayor informed Mr. Lawrence of organizations he might want to be involved with to bring in the youth.

Council Member Davis stated he appreciated Mr. Lawrence's comments and would be more than willing to contact him inviting him to the proposed discussions to deal with the very same issues he had concerns with.

Council Member Catotti suggested that the City Manager make contact information available to Mr. Lawrence pertaining to the Durham Youth Council and Parks and Recreation.

**SUBJECT: ANGELA LANGLEY**

To receive comments from Angela Langley regarding accessibility at 605 West Apartments and sidewalk repairs along W. Chapel Hill Street.

Angela Langley addressed the Council regarding accessibility at 605 West Apartments; stated there needs to be an automatic door at the main entrance to accommodate persons with physical limitations; and requested sidewalk repairs along West Chapel Hill Street. She asked the Council to go back and review the passing of the ADA law and make revisions that disability persons might need. Ms. Langley stated she spoke to the management company of the apartment complex and was informed that all that she needed to do was come before the Council and make a presentation and they would take a look at what was done in 2014.

It was noted that Chief Building Inspector W. C. Blalock contacted Ms. Langley to discuss her concerns about the automatic door question; he explained that the building codes do not require an automatic door. The Inspection Department contacted the current owner of the apartment complex; and he stated he was more than willing to address any concerns.

In addition, contact had been made with Ms. Langley by the Public Works Department to discuss her request for sidewalk repairs along West Chapel Hill Street. Ms. Langley was informed that several high priority sidewalk repairs had already been completed along West Chapel Hill Street over the course of the last 12 months and that any additional repairs would need to be reviewed mentioned by Ms. Langley and the process for the repairs.

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City Manager Bonfield asked the Public Works Director to take a look at the sidewalks in front of the church First Calvary located on Kent Street; which were in poor condition.

**SUBJECT: BEVERLY STEVENSON**

To receive comments from Beverly Stevenson regarding the Durham Center for Senior Life.

Beverly Stevenson urged the Council to support the Durham Center for Senior Life and join in celebrating the 50<sup>th</sup> anniversary of the Older Americans Act; and invited the Council to a benefit dinner on May 20<sup>th</sup> at the Beyu Café.

**SUBJECT: POVERTY REDUCTION INITIATIVE – HEALTH TASK FORCE**

To receive an update from L'Tanya Gilchrist, Co-Facilitator of the Health Task Force on the Poverty Reduction Initiative.

The Health Task Force of the Mayor's Poverty Reduction Initiative is focused on breaking the link between poverty and health; decreasing health disparities by race and class and promoting health equity.

Co-Chairs of the Health Task Force Heidi Carter and Wanda Boone provided a presentation on the Health Task Force. The presentation highlighted the task force members; their vision and focus; and noted their initiative and the action plan centered around the community health worker.

On behalf of the task force Fred Johnson, the Vice Chief of Duke University's Division of Community Health, assembled documents related to the community health worker, which were a part of the agenda item.

Mayor Bell thanked the Health Task Force for their efforts and support of his initiative.

Council Member Moffitt commented on the proposed budget for the community health worker program; which he stated all the details had not been finalized.

Jenna UpChurch stated it would be critical that the community health worker be someone that is already a natural leader, already engaged in the community.

**SUBJECT: HOME LOAN AND RELATED DOCUMENTS FOR THE WHITTED SCHOOL PROJECT**

The administration recommended that the City Manager be authorized to execute the HOME loan agreement and related legal documents with the Whitted Redevelopment, LLC for

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construction/permanent financing in the amount of \$600,000.00 at a 0% interest rate, with a term not less than 40 years.

At the March 19, 2015 Work Session, the Council suspended the rules and voted to authorize the City Manager to issue a commitment letter providing construction permanent financing the amount of up to \$600,000.00 at 0% interest rate, with a term of not less than 40 years for the renovation and expansion of the former Whitted School. The project would include 79 units of affordable housing for seniors age 55 and above.

Taylor Brown, of Integral Development, spoke on the historic tax credit agreement process; and the number of units for very low income persons.

For clarification, Shepherd Smith of the Community Development Department, stated that the home loan program requires that 20% of the units be home assisted units; and stated 20% of 79 units was 15.8 which equates to 16; however, he stated the developer had made a commitment that 20 units be at 30% or below; and the HOME money the City is putting into the project guaranteed 16.

#### **SUBJECT: INCREASE IN CIVIL PENALTIES FOR PARKING VIOLATIONS**

The administration recommended that the City Council approve an Ordinance change by increasing parking violations categorized in the "Ten Dollar Civil Penalty" from \$10.00 to \$20.00. This amendment anticipates generating an additional \$120,810.00 annually parking violation revenue.

Thomas Leathers, of the Transportation Department, spoke on the analysis that was done reviewing peer cities and it was noted that the City of Durham was charging much less than other cities; and he commented on the increased parking in the downtown corridor.

Council Member Brown suggested that the penalty be increased to \$25.00 instead of \$20.00; and commented on peer cities rates.

Mr. Leathers stated if approved as requested, they plan to assess the results through their performance measures monitoring on a monthly basis and having the parking manager contractor submit reports which would be evaluated allowing them to make appropriate recommendations going forward.

Council Member Schewel spoke on the City subsidizing parking and stated steps needed to be taken to change that; and stated he was looking forward to the Transportation Department's recommendation on how to begin charging for on street parking downtown.

Council Member Moffitt commented on the Ninth Street merchants not being considered like downtown and getting adjusted to that; and recommended the administration communicate with the merchants and let them know that change is coming.

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**SUBJECT: PROPOSED REVISIONS TO THE DURHAM CITY CODE TO PERMIT REIMBURSEMENT FOR CITY CONSTRUCTED INFRASTRUCTURE**

The proposed amendments to the Durham City Code Sections 70-19 and 70-50 was being recommended which would allow the establishment of water and sewer service areas and associated service area fees to be paid by new development which would reimburse the City for the cost of constructing water and wastewater infrastructure required to provide water and sewer service to a service area.

Regarding the item, Council Member Catotti wanted to confirm that it would 100% cost recovery.

Water Management Director Don Greeley replied yes; and stated the initial fee would be increased to 5% annually to cover the debt funding.

**SUBJECT: COMPENSATION AND CLASSIFICATION PLAN RECOMMENDATIONS**

As a result of the annual market survey and position study process, the administration recommended amending and adopting changes to the City of Durham's Compensation and Classification Plan, including general pay structure; and to amend and adopt the Durham Minimum Livable Wage rate to \$12.53 per hour, effective January 1, 2016.

Human Resources Director Regina Youngblood stated by approving the item it was assuming an average of 3.5% merit increase for employees.

Council Member Schewel asked if this would be locking in assumptions for classifications; would the city's budget be increased to meet the adjustments.

City Manager Bonfield replied yes for the classifications, but not for the pay for performance increases.

At the request of Council Member Catotti, Ms. Youngblood explained how they arrived at the percentage to be awarded for reclassifications and market adjustments.

**SUBJECT: ORDINANCE AMENDING DURHAM CITY CODE CHAPTER 70, ARTICLE 1, SECTION 70-25 – RESALE OF WATER AND/OR SEWER SERVICE**

The Public Works Department recommended that the City Council adopt an ordinance amending the Durham City Code, Chapter 70, Article 1, Section 70-25 to further define the term "residential apartment complex" in the context of the resale of water and/or sewer services purchased from the City.

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Council Member Catotti asked if there were any places in Durham that currently had less than 15 units that do sub-metering.

Nathan McHenry, of the Public Works Department, replied he was not aware of any. He noted this item came up because a builder wanted to combine commercial and residential which is not allowed, but it was less than 15 units. He stated when they began reviewing it they realized they did not have a good definition of a residential apartment complex. Also, he noted the rationale for 15 units which conformed with the State N. C. Utilities Commission.

**SUBJECT: CONTRACT SW-38 WITH LANIER CONSTRUCTION FOR 2015  
SIDEWALK REPAIR**

The staff reported indicated that on April 1, 2015, bids were opened for Contract SW-38. The contract was for the removal and replacement of sidewalk along Ashe Street, Guthrie Avenue, and Buchanan Boulevard. The lowest responsible bid was submitted by Lanier Construction Company, Inc. of North Carolina.

The administration recommended to authorize the City Manager to execute Contract SW-38 with Lanier Construction for 2015 Sidewalk Repair Project in the amount of \$724,578.00; to establish a contingency fund in the amount of \$72,457.80 (10%); and authorize the City Manager to negotiate and execute change orders to the contract provided that the total project cost does not exceed \$797,035.80.

At the request of Council Member Schewel, Public Works Director Marvin Williams stated he would provide updated construction costs for new sidewalk construction and repairs; noted the prices have increased for sidewalks; spoke on the sidewalks repairs needed along Ashe Street, Guthrie Avenue and Buchanan Boulevard and the complexities in the area.

**SUBJECT: DURHAM ENVIRONMENTAL AFFAIRS BOARD RECOMMENDATIONS  
FOR SUSTAINING A HEALTHY URBAN FOREST IN DURHAM**

To receive a presentation from the Durham Environmental Affairs Board on recommendations for sustaining a healthy urban forest in Durham.

Elizabeth Chan, Chair of the Environmental Affairs Board, made a Powerpoint presentation commenting on the following topics: Trees in Durham; Tree Loss in Durham; and Trees in Other Cities.

The Durham Environmental Affairs Board recommended the following:

- Allocate resources to facilitate the planting of at least 1,680 trees per year, the removal of at least 750 trees per year, and the proper maintenance of all trees on public property in Durham.

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- Adopt a Capital Improvement Plan for maintaining/improving tree infrastructure, which includes a city-wide inventory and risk analysis of the number, location, and condition of trees currently located on public property.
- Implement a policy for the immediate replacement of dead/dying trees.
- Consider increasing the number of trees required to be planted/preserved on private land by policies in the Unified Development Ordinance.

Council Member Schewel felt the City could obtain private support for planting trees; and suggested looking at ways to come up with creative ideas to increase the number of trees to be planted.

**SUBJECT: REPORT ON CONDITION OF OMAH STREET AND STATUS OF PETITION FOR IMPROVEMENTS**

To receive a report on the road condition of the 3000 block of Omah Street and the status of a petition for improvements.

It was noted at a recent “Coffee with Council” session, a citizen brought up the condition of the 3000 block of Omah Street and questioned why it is not paved. The portion of Omah Street (from West Carver Street south approximately 480 feet) is an existing city-maintained two lane road constructed primarily out of crushed stone, often referred to as a “dirt street.”

Robert Joyner, of the Public Works Department, stated four petitions have been issued, including the latest petition. To date, none of the petitions have been returned as sufficient. The sponsor of the current active petition was struggling to obtain enough signatures to achieve overall sufficiency in this one as well. While the sponsor had obtained a majority of the property owners’ signatures, they do not represent the majority of the road frontage involved. A majority (greater than 50%) must be achieved in both areas for a petition to be deemed sufficient and presented to City Council for consideration. Unfortunately, the sponsor was short on the frontage sufficiency by just under five feet. It was noted that one of the main hurdles in achieving a sufficient petition lies in the fact that there are two corner properties that actually front West Carver Street, but are within the limits of the petition. Both of these properties are rental units, and the property owners have been reluctant to sign the petition.

The following citizens were recognized for comments and requested the council support the paving of the 3000 block of Omah Street. Miranda Terry; and Erin Hodge and Lawrence Terry read letters from citizens residing at 3018; 3023; 3028 Omah Street requesting support for paving. The residents also commented on the negative impacts they are experiencing because the road remains unpaved; and noted their support for being assessed for payment.

Mayor Bell asked what alternatives were available in terms of what can be done or not be done; what exceptions can be made.

Robert Joyner, of the Public Works Department, stated the petition process was by ordinance; and the Council had the authority to use the enabling act authority to push a project ahead.

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City Attorney Baker stated if the Council wanted to support the paving they could facilitate the request.

Mayor Bell stated based on what he had seen he would like to move forward with the request.

Robert Joyner stated there was precedent for the request, noting it had been done in the past with Harvard Avenue and Chalk Level.

At the request of Council Member Schewel, Nathan McHenry of the Public Works Department commented on the Chalk Level Road enabling act authority and stated it was very similar; a petition was issued and the inability to get sufficiency requirements; and stated the same situation existed with Harvard Avenue.

Council Member Brown voiced support for doing something; he stated the question was how much. He referenced comments by Council Members Catotti and Moffitt providing strip paving and not curb and gutter; also having it end at 3029 Omah Street.

Council Member Catotti asked how many dirt streets are remaining in the City; and the cost of the overall budget. She stated she did not object to making an exception on the petition for five feet; but she still had the question of why does the City have a petition process if it does not fall in the entire sense of "these are our priorities and we work down the list in order of priorities." She also stated it was two separate things but very closely related; it is an ongoing issue.

Public Work Director Marvin Williams stated overall they have eleven miles of dirt streets remaining in the City and to pave would be approximately 25 to 30 million dollars. He said it was a large program if the City wanted to pursue that; and would require the Council to take a comprehensive look at how to approach this going forward, if it was the Council desire to proceed with eliminating dirt roads within the City.

Council Member Catotti stated overall it cannot be who comes before the City Council first or who is able to gather the petition. She stated they have heard from other citizens about dirt streets and she stated it appeared her colleagues wanted to move forward on the request; but did not solve the rest of the requests made. She stated they did not have enough money to pay for such things and asked how would it be accomplished; do they raise the rate; strip pave; etc.

Mayor Bell stated there were citizens in the City living on dirt streets that do not want their streets paved.

Council Member Moffitt asked what would be the next step; and noted the City Manager was not in agreement to paving a portion of it.

City Manager Bonfield stated the next step would be for the Council directing the administration to move forward with the petition process; providing notice of a public hearing with citizens coming before the Council to say they support or oppose.



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Robert Joyner stated after the public hearing, the staff would order the improvements; they would be put it in a queue. He stated at the present, there was not any funding and would need to be identified in a CIP.

Public Works Director Marvin Williams stated they did not request funds in the upcoming fiscal year budget for dirt street paving.

Mayor Bell recommended that the petition process proceed; allowing the citizens to come before the Council and make their comments and then the Council would make a decision. He stated they would have to look at the funding situation as it is.

Robert Joyner stated he needed to make a correction regarding remaining dirt streets in the City; it was 20 miles not 11.

For clarification on the next steps in the process, Robert Joyner stated the staff needed to prepare an agenda item to order the improvement through the enabling act authority; and then the public hearing would begin.

Council Member Moffitt recommended that the administration move forward with the process as stated by the administration.

## **SUBJECT: DURHAM-ORANGE LIGHT RAIL PROJECT**

To receive a presentation from GoTriangle on the Durham-Orange Light Rail Project.

Patrick McDonough, of GoTriangle, provided a Powerpoint presentation on the environmental and community data collected for the Draft Environmental Impact Statement for the Durham-Orange Light Rail Transit project. All data for the project is available from UNC Hospitals to Alston Avenue.

GoTriangle's presentation also reviewed the five key decisions to be decided through the EIS for the entire alignment:

- The alignment over Little Creek
- The alignment over New Hope Creek
- The station location near Duke/VA Hospitals
- The location of the Rail Operations and Maintenance Facility
- The build or not build the project

After the presentation, the Council raised concerns on the location of the Rail Operations Maintenance Facility and the Alston Avenue Station (West). The GoTriangle staff was asked to come back before the Council to provide much more detail on the their engineering analysis for the Rail Operations Maintenance Facility and the Alston Avenue Station West locations, which will be provided at a special meeting on Thursday, May 21, 2015 at 9:00 am.

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**SUBJECT: ESTABLISHMENT OF SERVICE AREA AND SERVICE AREA FEE FOR THE SOUTHEAST REGIONAL LIFT STATION**

The Department of Water Management proposes the construction of a regional sewer lift station in the southeastern portion of the City's water and sewer service area, between NC Highway 98 and US Highway 70. Construction of this lift station would allow for the extension of sewer services to support new development activity in eastern Durham County, which would ultimately be voluntarily annexed into the City. A portion of the service areas extends into Wake County per an existing inter-local agreement. The proposed Southeast Area is shown in the staff report; in addition to providing the extension of sewer services, the new lift station will also allow the City to abandon two existing lift stations, replacing them with a gravity main outfall.

Water Management Director Don Greeley provided a photo showing the area in question; commented on what the administration was proposing; and what they have done to minimize the risk to the City.

**SUBJECT: ADOPTION OF PROPOSED WATER AND SEWER RATES FOR FY 2015-2016**

The Department of Water Management recommended that City Council adopt an ordinance to change rates for water and sewer service, Section 1, Part 15-504 of the City's fee schedule, effective July 1, 2015. Rates shall be applied to all bills rendered after August 1, 2015; and the average rate increase is anticipated to be 2.9%.

Discussion was held on the monthly water and sewer bill comparison for other municipalities.

**SUBJECT: PROPOSED UPDATES TO FEE SCHEDULE FOR WATER AND SEWER CAPITAL FACILITY FEES**

The City establishes capital facilities fees for all new connections to the City's water and sewer systems as authorized under Section 70-50 of the City Ordinance. The fees are earmarked for the construction and expansion of water and sewer facilities to provide necessary capacity for service. The fees were last updated in 2014 and the proposed fee schedule is reflective of the City's current cost of service.

The Department of Water Management recommends that the City Council adopt an ordinance amending Chapter 15, Part 15-503 (Capital Facilities Fees) to the City's Fee Schedule with an effective date of October 1, 2015.

Discussion was held on the comparison capital facility fees for single family residences for other municipalities; and the city's sewer facility fee.

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**SUBJECT: INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY TO ESTABLISH THE DURHAM WORKFORCE DEVELOPMENT BOARD AND ITS ADMINISTRATIVE ENTITY UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014, EFFECTIVE JULY 1, 2015**

The purpose of the item was to transmit changes requested by the Durham County Board of Commissioners to the proposed Inter-local Consortium Agreement between the City of Durham and Durham County, which is required under the Workforce Innovation and Opportunity Act. The new law and the proposed Inter-local Consortium Agreement would take effect on July 1, 2015.

Mayor Pro Tempore Cole-McFadden suggested that the agreement be reviewed again. She requested that the item be placed on the General Business Agenda at the May 18<sup>th</sup> meeting.

At this time, City Attorney Baker stated his earlier request to hold a closed session would not be held; and noted he would send council members an email regarding the matter.

**SETTLING THE AGENDA – MAY 18, 2015 CITY COUNCIL MEETING**

City Manager Bonfield announced the following items for the May 18, 2015 City Council Meeting agenda: Consent Items 1 thru 18; GBA Items 19 & 29; and Public Hearing Item 24. The City Manager stated the Council disposed of Items 20 thru 23; and 25 thru 28.

**MOTION** by Council Member Moffitt seconded by Council Member Schewel to settle the agenda for the May 18, 2015 City Council Meeting as stated by City Manager Bonfield was approved at 4:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 4:58 p.m.

D. Ann Gray, MMC, NCCMC  
City Clerk